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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 MADHVAMUNI K DAS, et al.,)

13 Plaintiffs,)

14 v.)

15 WMC MORTGAGE CORP., et al.,)

16 Defendants.)
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Case No.: C 10-0650 PVT

**ORDER SOLICITING
SUPPLEMENTAL BRIEFING
AND CONTINUING HEARING**

18 Currently scheduled for hearing on June 29, 2010, are motions to dismiss filed by various
19 Defendants. However, it has come to the court's attention that the Plaintiffs allege in their complaint
20 that they filed bankruptcy proceedings shortly before filing this action. Thus, before holding a
21 hearing on the pending motions to dismiss, the court needs to ascertain whether a trustee has been
22 appointed, and if so whether Plaintiffs have standing to bring this action. *See* 8A C.J.S. Bankruptcy
23 § 105 ("Where at the time suit is brought, legal capacity to sue belongs to the trustee in bankruptcy, a
24 debtor in bankruptcy generally lacks standing to bring suit"). Therefore,

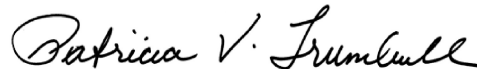
25 IT IS HEREBY ORDERED that, no later than July 6, 2010, Plaintiffs shall file a
26 supplemental brief informing the court of the status of their bankruptcy proceedings, whether a
27 trustee has been appointed, and if a trustee has been appointed, addressing the issue of whether they
28 have standing to bring this action.

1 IT IS FURTHER ORDERED that if a trustee has been appointed, Plaintiffs shall promptly
2 serve a copy of this order on the trustee and shall file a proof of such service no later than June 28,
3 2010.

4 IT IS FURTHER ORDERED that any Defendant that so chooses may file a response to
5 Plaintiffs' supplemental brief no later than July 13, 2010.

6 IT IS FURTHER ORDERED that the hearings on the pending motions to dismiss are
7 continued to July 27, 2010.

8 Dated: 6/22/10


PATRICIA V. TRUMBULL
United States Magistrate Judge